

**To:** CN=Patricia Hick/OU=R2/O=USEPA/C=US@EPA;CN=Sarah Flanagan/OU=R2/O=USEPA/C=US@EPA[]; N=Sarah Flanagan/OU=R2/O=USEPA/C=US@EPA[]  
**Cc:** CN=Wanda Calderon/OU=R2/O=USEPA/C=US@EPA[]  
**From:** CN=Alice Yeh/OU=R2/O=USEPA/C=US  
**Sent:** Fri 12/7/2007 9:12:18 PM  
**Subject:** Fw: FOIA 02-RIN-01886-07  
[FOIA-01886-07 add request.pdf](#)  
[Alice Yeh](#)

FYI: I received the attached letter from the FOIA requestor following the phone conversation that I had with her back in Oct (documented below).

----- Forwarded by Alice Yeh/R2/USEPA/US on 12/07/2007 04:08 PM -----

Alice Yeh/R2/USEPA/US  
10/10/2007 10:26 AM

To "Mack, Karyllan Dodson" <Karyllan.Mack@klgates.com>  
cc Patricia Hick/R2/USEPA/US@EPA, Sarah Flanagan/R2/USEPA/US@EPA, Wanda Calderon/R2/USEPA/US@EPA  
Subject RE: FOIA 02-RIN-01886-07

I just wanted to confirm our discussion yesterday. Following is the status of item 3 of your FOIA request:

- Database for Tissue: Included in CARP database sent to demaximis on 9/20.
- Empirical Mass Balance data listed in Appendix D, Table 4-1:
  - 2005 high resolution core data: in PREmis database that demaximis has (and can be downloaded from ourPassaic.org)
  - 2005 large volume water column data: provided in Excel spreadsheet (or some such format) to demaximis some time ago
  - 2005 USGS water monitoring program: in dredging pilot database posted on ourPassaic.org last week
  - 2005 TSI Phase 1 data: in PREmis database
  - 2007 Dundee Dam sediment coring data: in PREmis database
  - 2005 SPMD data: in PREmis database
  - 2005 small volume water column data: in PREmis database
  - 2001-2004 CARP data: provided via e-mail to demaximis some time ago, but also included in CARP database sent to demaximis on 9/20.
- All documents/data related to risk assessment: All data used in risk assessment are in the PREmis and CARP databases.
- "Survey of Urban Aglers from the Newark Bay Complex...": provided to demaximis on 7/18/07
- Full report of the pilot treatment results for Biogenesis: still being written, so could not have been cited in FFS and is not available.
- Full report of the Cement Lock Thermal Treatment evaluation cited in FFS: web site provided to you in 9/18/07 letter
- Draft environmental dredging pilot report: posted on ourPassaic.org last week.

You wanted to consult with your clients on whether any other information will be necessary to respond to this FOIA request, so I am suspending any other work on this FOIA for now.

"Mack, Karyllan Dodson" <Karyllan.Mack@klgates.com>  
09/26/2007 03:28 PM

To Alice Yeh/R2/USEPA/US@EPA  
cc Sarah Flanagan/R2/USEPA/US@EPA, Patricia Hick/R2/USEPA/US@EPA  
Subject RE: FOIA 02-RIN-01886-07

Alice,

If you are available over the next couple of days, I would like to speak with you about prioritizing the FOIA request. I have reattached the request hereto for ease of reference. Our client is interested in all of the documents outlined in the request, but, as a first "wave" if you will, would like to suggest focusing on the bulleted items identified as part of request #3. If EPA can provide a response as to the availability of each of the bulleted items in request #3, then I can confer with the client regarding whether or not they want to authorize what would likely be a substantial file review relating to requests #1 and #2.

My direct dial is 973-848-4043. I appreciate your help and look forward to speaking with you.

Karyllan

-----Original Message-----

From: Yeh.Alice@epamail.epa.gov [mailto:Yeh.Alice@epamail.epa.gov]  
Sent: Wednesday, September 26, 2007 11:37 AM  
To: Mack, Karyllan Dodson  
Cc: Flanagan.Sarah@epamail.epa.gov; Hick.Patricia@epamail.epa.gov  
Subject: RE: FOIA 02-RIN-01886-07

No, because your request was so broad, there are a large number of files to be reviewed for responsiveness.

Under FOIA, EPA bills \$7 per 1/4 hour for professional staff time and \$4 per 1/4 hour for clerical staff time for file search and reviews.

"Mack, Karyllan  
Dodson"  
<Karyllan.Mack@k  
lgates.com> To  
Alice Yeh/R2/USEPA/US@EPA  
cc  
09/26/2007 11:29  
AM Subject  
RE: FOIA 02-RIN-01886-07

Alice,

Is there any way that you can provide an approximation of the costs? An authorization will be forthcoming.

-----Original Message-----

From: Yeh.Alice@epamail.epa.gov [mailto:Yeh.Alice@epamail.epa.gov]  
Sent: Wednesday, September 26, 2007 11:25 AM  
To: Mack, Karyllan Dodson  
Cc: Flanagan.Sarah@epamail.epa.gov; Hick.Patricia@epamail.epa.gov;  
Calderon.Wanda@epamail.epa.gov  
Subject: FOIA 02-RIN-01886-07

EPA sent a partial response to your FOIA request 02-RIN-01866-07 on 9/18/07 and is still reviewing its files for additional documents responsive to the request. EPA has identified additional documents responsive to this request and is preparing a withholding list for those documents. The cost for this review and response to your request will exceed \$150.

Because EPA's cost for this review will exceed the \$150 that you authorized in your initial FOIA request, please indicate your firm's willingness to pay additional costs, prior to our release of the remaining documents.

Thank you for your prompt response to this e-mail to expedite your receipt of the response to your request.

This electronic message contains information from the law firm of Kirkpatrick & Lockhart Preston Gates Ellis LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at Karyllan.Mack@klgates.com.

[attachment "NW-#168081-v1-FOIA\_Request (3).PDF" deleted by Alice Yeh/R2/USEPA/US]